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OFFICE OF GENERAL
COUNSEL

2007 SEP -4 A 11:48

Greg Sabino

Brockton, MA 02302

2007 SEP -5 P 2:33

SENSITIVE

August 28, 2007

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 5937

RE: COMPLAINT FILED WITH THE FEDERAL ELECTION COMMISSION

To the Federal Election Commission:

My name is Greg Sabino. I am a registered voter.

An article in the Salt Lake Tribune on Friday June 29, 2007 (see attachment #1) describes an apparent violation of federal election law by the Romney for President campaign and one of its top fundraisers. A copy of this article is attached.

The article states the following:

"Ken Gardner, a close friend of Romney, told The Salt Lake Tribune this week that he personally paid \$150,000 to charter a Jet Blue plane to fly the Utahns to Boston for Romney's second national call day - an event where volunteers worked the phones, called friends, family and business associates to build up donations for Romney's presidential bid. Asked whether the passengers reimbursed him, Gardner replied no, 'I just paid for it.'"

The article quotes several election law and campaign finance experts who state that this \$150,000 payment by Mr. Gardner appears to be an illegal in-kind contribution to the Romney campaign. While there is a \$1,000 personal travel exemption for individuals under federal law, this expenditure by Mr. Gardner is \$149,000 in excess of that limit (assuming he has not already used his exemption for other volunteer travel for the Romney campaign). In any case, the personal volunteer exemption does not allow for the payment of other person's travel.

Officials of the Romney campaign are quoted in the article as acknowledging and defending the \$150,000 expenditure by Mr. Gardner, so the Romney campaign has evidently knowingly received this illegal contribution. Romney campaign officials are quoted in the article as saying that federal law allows personal payment for travel to a fundraiser, but that is only true if the individual is attending the event as a donor, not where, as here, the individuals are being transported at huge expense by a campaign agent and are serving as campaign workers at the event. Nothing in federal law allows an individual to spend hundreds of thousands of his money to transport individuals to a campaign headquarters to make phone calls for a campaign, knock on doors, or otherwise provide volunteer services at only one individual's personal expense.

A Boston Globe article of January 14, 2007 (see attachment #2) details a similar "national call day" by the Romney campaign in January of this year. In light of the fact that persons flow to Boston from around the United States for this January telephone calling program, and that Romney officials are quoted in the Salt Lake Tribune article as approving the payment of charter flights by individuals, rather than by the campaign, to such events, the FEC should further investigate whether other individuals or corporations made other impermissible or excessive in-kind contributions for travel to the June call day event OR the January event.

The above information is true to my knowledge and belief.

Greg Sabino

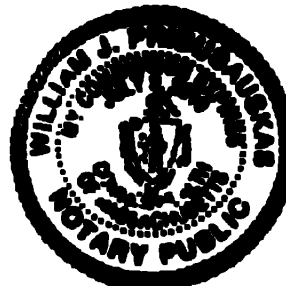
SIGNED

COMMONWEALTH OF MASSACHUSETTS PLYMOUTH COUNTY - THEN PERSONALLY
GREG SABINO WHO BEING PERSONALLY KNOWN TO ME SIGN AND SWEAR THE ABOVE
WAS HIS FREE ACT AND DEED. BEFORE ME

WITNESSED

Notary Public WILLIAM J. PRIBLANSKAS

MY COMMISSION EXPIRES 4-9-2010



Attachment #1

2007 SEP -4 A 11: 49

https://www.trib.com/ci_6258798

Did Utahn violate contribution laws by paying for Romney volunteers' flight to Boston?

By Thomas Burr

The Salt Lake Tribune

Article Last Updated: 06/29/2007 09:36:10 AM MDT

WASHINGTON - A Utah supporter of Mitt Romney's White House bid chartered a jet to fly 150 people to a Boston campaign fundraiser - a possible illegal campaign contribution, experts say.

Kem Gardner, a close friend of Romney, told The Salt Lake Tribune this week that he personally paid \$150,000 to charter a Jet Blue plane to fly the Utahns to Boston for Romney's second national call day - an event where volunteers worked the phones, called friends, family and business associates to build up donations for Romney's presidential bid.

Asked whether the passengers reimbursed him, Gardner replied no, "I just paid for it."

Federal Election Commission rules allow a donor to travel to a fundraiser at his or her own cost, but since the people in this case were actually flying to an event and then volunteering to raise money for a campaign, a payment of their travel by a private person may violate the election rules, experts say.

"It would certainly seem the cost of the flight would constitute an in-kind contribution," says Paul Ryan, the FEC program director and associate legal counsel at the nonpartisan, nonprofit Campaign Legal Center in Washington.

Romney campaign aides vigorously dispute that any campaign laws were violated, arguing that the nature of the Boston event allowed them to fly supporters to the east coast.

Campaign finance authorities say that federal law limits the amount a person can contribute to a presidential campaign to \$2,300 and Gardner has already contributed that amount to Romney's campaign. While the volunteers could have paid their own way to get to Boston or the campaign could have footed the bill, they say Gardner cannot simply pay the tab to shuttle volunteers across the country to a campaign event.

"It's hard to see how it would not be an illegal contribution," says Anthony Corrado, a professor of government at Colby College in Maine who specializes in campaign finances.

Gardner, however, says he doesn't believe there is a problem with him paying for the flight. "They don't care how you get there," he said this week.

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Benjamin Ginsberg, counsel to Romney's campaign, says there are two "very important and crucial distinctions" in this case. The law is clear that there are differences between a political event and a fundraising event and the travel arrangements and expenses of participants, he said.

"Federal election law permits donors and supporters to pay for their own transportation and lodging costs when attending out-of-town federal candidate fundraising events," Ginsberg said. "Most importantly, this travel was arranged between individuals acting on their own."

Ginsberg adds that the FEC doesn't include people traveling to campaign fundraising events as part of any in-kind contribution rules. "Federal law requires a federal campaign to pay for travel costs only if an individual is a campaign traveler who is traveling on behalf of a candidate or political committee," he said.

An e-mail obtained by The Tribune laid out the plan for the chartered flight and asked each passenger to front \$200 to "hold" a seat. It was unclear whether that money was returned, but Gardner said he paid for the flight.

Romney's campaign said other campaigns should be asked whether they believe the cost of travel for a donor to go to a fundraiser is an in-kind contribution.

A lawyer for a Republican competitor responded that, "As a standard procedure the cost of donors attending fundraising dinners, is not an in-kind contribution. However, the campaign must pay for or account for travel by persons working on behalf of the campaign."

"The 'however' argument absolutely proves my point," countered Kevin Madden, spokesman for Romney's campaign. "These contributors were attending a finance event that was clearly and explicitly a fundraising event. The law is clear and its application to this fundraising event is exact."

Ryan of the Campaign Legal Center says the campaign has a way out of the situation, by paying Gardner back for the cost of the jet charter.

The Campaign Legal Center is headed by Trevor Potter, the legal counsel for Romney's 2008 rival, Sen. John McCain, R-Ariz. But Potter is not participating in any presidential race activity or issue, according to the center.

tburn@atrib.com

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http://www.boston.com/news/globe/editorial_opinion/oped/articles/2007/01/14/min_be_rumble/

**By Jeff Jacoby,
Boston Globe Columnist
January 14, 2007**

It wasn't exactly great oratory. (Romney's main example of a nimble and inventive organization was, of all things, Al Qaeda.) It wasn't great prophecy, either. Four years later, Massachusetts state government is pretty much the same slow, bureaucratic, and disconnected behemoth it was in 2003. It takes more than a lone Republican governor to change a political culture as drummy as the one entrenched in the overwhelmingly Democratic Massachusetts State House.

Last Monday, the Romney campaign held its first major fund-raising event, a high-powered call-a-thon that pulled in \$6.5 million. It demolished not only the modern record for political donations raised in a single day, but the paradigm of what a campaign fund-raiser can be. Instead of inviting several hundred supporters to a \$1,000-a-head dinner, Romney invited several hundred political and financial all-stars – eminences like Governor Matt Blunt of Missouri and eBay chief executive Meg Whitman – to spend a day working their Rolodexes and dialing for dollars. Unlike a typical boiler-room operation run out of a hole-in-the-wall, Romney's "National Call Day" was staged in a giant convention center, with old and new media on hand to record all the action.

An even better test of Romney's nimbleness came just two days later, in the form of a video anonymously posted on [HYPERLINK "http://youtube.com/v/_new"](http://youtube.com/v/_new) youtube.com. It showed clips of Romney debating Ted Kennedy during their 1994 Senate race -- clips that showed how vividly Romney had portrayed himself as a social liberal when he first ran for office in Massachusetts. From staunchly defending abortion rights to disavowing Ronald Reagan, Romney came across back then as anything but the unabashed conservative he is running as today.

But Romney knows that high-tech agility at getting out his message ultimately counts for nothing if that message is rejected by voters. As a Senate candidate in 1994, Romney was at pains to portray himself as a liberal RINO -- a Republican in Name Only, smartly citing *Roe v. Wade* and declaring that he would do more for gay rights than Ted Kennedy.

Romney's very public migration rightward over the last few years is a different kind of act, one intended not to hide his real views but to liberate them. In 1994, Romney struck me as an extraordinarily bright, talented, and decent man – and a political neophyte who fell for the canard that the only way a conservative could win in Massachusetts was by passing for liberal.

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